

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

TIMOTHY DUNCAN ,

Plaintiff,

-vs-

Case No. 08-13385

PALISADES COLLECTION, L.L.C.,

Defendant.

COMPLAINT & JURY DEMAND

Jurisdiction

1. This court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331, 1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

3. The Plaintiff to this lawsuit resides in Rochester, Michigan in Oakland County.
4. Palisades Collection, L.L.C., (“Palisades Collection, L.L.C.”) is a corporation doing business in Michigan.

Venue

5. The transactions and occurrences which give rise to this action occurred in Oakland County.
6. Venue is proper in the Eastern District of Michigan.

General Allegations

7. Timothy Duncan resides in Rochester, Michigan and resided in Rochester, Michigan on April 4, 2008.
8. On April 4, 2008, the PALISADES COLLECTION, L.L.C. sued the Plaintiff in 67-1 District Court.
9. The city of Rochester is outside the boundaries for 67-1 District Court.
10. The pleadings submitted by Defendant are clear that Timothy Duncan resides outside the boundaries of 67-1 District Court.
11. In addition, an attachment to the pleadings submitted by PALISADES COLLECTION, L.L.C. shows the last 4-digits of a social security number that is not Timothy Duncan's social security number.
12. PALISADES COLLECTION, L.L.C. knew or should have known that it was suing the wrong Timothy Duncan.

COUNT I – Fair Debt Collection Practices Act (Palisades Collection, L.L.C.)

13. Mr. Duncan incorporates the preceding allegations by reference.
14. At all relevant times Palisades Collection, L.L.C. – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
15. Palisades Collection, L.L.C. is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
16. Palisades Collection, L.L.C. 's foregoing acts in attempting to collect this alleged debt against Mr. Duncan constitute violations of the FDCPA.
17. Mr. Duncan has suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (Palisades Collection, L.L.C.)

18. Mr. Duncan incorporates the preceding allegations by reference.
19. Palisades Collection, L.L.C. is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).
20. Mr. Duncan is a debtor as that term is defined in M.C.L. § 339.901(f).
21. Palisades Collection, L.L.C. 's foregoing acts in attempting to collect this alleged debt against Mr. Duncan constitute violations of the Occupational Code.
22. Mr. Duncan has suffered damages as a result of these violations of the Michigan Occupational Code.

Demand for Jury Trial

23. Plaintiff demands trial by jury in this action.

Demand For Judgment for Relief

ACCORDINGLY, Mr. Duncan requests that the Court:

- a. Assume jurisdiction over all claims;.*
- b. Award actual damages.*
- c. Award statutory damages.*

- d. Award punitive damages.*
- e. Award statutory costs and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES
CONSUMER LAW GROUP, PLC

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